

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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WAYNE RICE,

Plaintiff,

**DECLARATION OF
JOHN B. ZOLLO
IN SUPPORT OF
DEFENDANTS'
MOTION TO DISMISS**

17 CV 3649 (LDW) (AYS)

-against-

VOLKSWAGEN OF AMERICA INC., SMITHTOWN
VOLKSWAGEN, and JOE BINDELS

Defendants.

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JOHN B. ZOLLO declares, pursuant to 28 U.S.C. § 1746 and subject to the penalties of perjury, that the following is true and accurate:

1. I am the owner of The Law Offices of John B. Zollo, P.C., the attorneys of record for the herein defendants.
2. I am fully familiar with the facts and circumstances of the case, and submit this declaration in support of defendants' motion to dismiss the entirety of plaintiff's claims against defendants Joe Bindels and Smithtown Volkswagen.
3. Annexed hereto as **Exhibit A** is a copy of the September 20, 2016 claim letter sent by plaintiff's counsel to defendants.

4. Annexed hereto as **Exhibit B** are two letters that were sent by Bindels's counsel to the Office of the Suffolk County District Attorney, dated September 29, 2016, and October 5, 2016.

5. Annexed hereto as **Exhibit C** is an Alpha Group Investigation Report relating to a background search performed on the plaintiff.

6. Annexed hereto as **Exhibit D** is a copy of the Policy & Procedures Manual for Smithtown Volkswagen.

7. Annexed hereto as **Exhibit E** are emails purportedly from Anthony Caputo to Joe Bindels dated February 13, 2016 and February 14, 2016.

8. Annexed hereto as **Exhibit F** is an affidavit from Joe Bindels dated January 5, 2017.

9. Annexed hereto as **Exhibit G** is an affidavit from David Hovell dated January 5, 2017.

10. Annexed hereto as **Exhibit H** are letters sent by Smithtown Volkswagen to a former employee regarding a prior incident of harassment in the workplace.

Dated: Nesconset, New York
September 20, 2017

Law Offices of John B. Zollo, P.C.,
Attorneys for Defendants

By: _____/s/_____
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